

Federal Trade Commission m
Office of the Secretary m
Room m-113 (Annex W) m
600 Pennsylvania Avenue, NW m
Washington, DC 20580 m

m

Re: m nteragency Working Group on Food Marketed to Children: FTC Project No. P094513 m

m

To Whom It May Concern: m

m

Ultra Creative, nc. recently became aware of the proposal, by the nteragency Working Group m
(consisting of the Federal Trade Com ission, the Food & Drug Administration, the Department of m
Agriculture, and the Centers for Disease Control) that would ban the advertising of virtually all m
foods to children and adolescents. At Ultra Creative, we are proud of our relationship with the m
food industry and are very concerned about what appears to be an arbitrary, unscientific, and m
economically destructive regulatory assault on the food industry. m

m

A particularly troubling aspect of the proposed advertising ban is its overbroad assessment of m
what constitutes “marketing to kids.” Even if one were to proceed on the unsupported assumption m
that banning advertising of any foods would combat obesity, and even if one were to make the m
further leap and assume that it somehow would be sensible to ban the marketing of foods that m
FDA defines as “healthy” to kids (as this proposed ban would), it would still be important to look m
at the precise definitions of the marketing activities that would be banned. These definitions, m
which are referred to, but not explicitly listed in the regulatory proposal itself, are far broader m
than they are portrayed. Among the activities that would be banned: sponsorships of charities m
that benefit children; portrayals of athletes or celebrities that are “highly popular” with children; m
use of words like “child” or “kid” on food packages; depictions of characters like the Easter Bunny; m
advertising on programs where as few as 20% of the viewing audience are kids (or even on 100% m
adult-audience programs that fall within the same part of the broadcast day where child-oriented m
programs appear). These are incredibly broad definitions, and will suppress speech directed to, m
and reached by, adults. m

m

This is a most unfortunate policy and should be withdrawn. m

